IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HON'BLE THE ACTING CHIEF JUSTICE MR.K.S.RADHAKRISHNAN
&
THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

FRIDAY, THE 23RD MARCH 2007 / 2ND CHAITHRA 1929

OP.No. 13918 of 1999(F)

PETITIONERS:
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1. N.SANKARAN NAMBOOTHIRI, KEEZHSANTHI,
SRI THIRUPURAIKKAL BHAGAVATHY TEMPLE,
VADAKKANTHARA P.O., PALAKKAD.

2. K.UNNIKRISHNAN EMBRANTHIRI, KEEZHSANTHI,
SRI.THIRUPURAICKAL BHAGAVATHY TEMPLE,
VADAKKANTHARA P.O., PALAKKAD.

3. K.B.HARI, KEEZHSANTHI, SRI THIRUPURAICKAL
BHAGAVATHY TEMPLE, VADAKKANTHARA P.O., PALAKKAD.

4. N.P.SANKARANARAYANAN, POOJAKOTTU, SRI
THIRUPURAICKAL BHAGAVATHY TEMPLE,
VADAKKANTHARA P.O., PALAKKAD.

5. N.KRISHNAMOORTHY, NADASWARAM, SRI
THIRUPURAICKAL BHAGAVATHY TEMPLE,
VADAKKANTHARA P.O., PALAKKAD.

6. P.PARUKUTTY AMMA, OFFICE SWEEPER SRI
THIRUPURAICKAL BHAGAVATHY TEMPLE,
VADAKKANTHARA P.O., PALAKKAD.

7. K.THANKAMANI, TEMPLE SWEEPER, SRI
THIRUPURAICKAL BHAGAVATHY TEMPLE,
VADAKKANTHARA P.O., PALAKKAD.

BY ADV. SRI.V.CHITAMBARESH
SRI.T.C.SURESH MENON

RESPONDENTS:
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1. THE STATE OF KERALA, REPRESENTED BY THE
UNDER SECRETARY TO REVENUE AND DEVASWOM
DEPARTMENT, SECRETARIAT, THIRUVANANTHAPURAM.

2. THE COMMISSIONER, H.R. & C.E.(ADMN.) DEPARTMENT
CIVIL STATION, KOZHIKODE.

3. THE EXECUTIVE OFFICER, SREE THIRUPURAICKAL
BHAGAVATHY TEMPLE, VADAKKANTHARA, PALAKKAD.

BY ADV. SRI.K.R.RAGHUNATH
R1 & R2 BY SR.GOVT. PLEADER MR.M.R.SABU

THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD ON 23/03/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ORDER ON CMP NO.22418/1999 IN O.P.NO.13918/1999

DISMISSED

SD/- K.S.RADHAKRISHNAN, Ag.CHIEF JUSTICE
23.3.2007 SD/- M.N.KRISHNAN, JUDGEMENT

APPENDIX

PETITIONERS' EXHIBITS:

EXT.P1 TRUE COPY OF THE ORDER ISSUED BY THE FIRST RESPONDENT DATED 6.8.1996 (G.O.MS. NO.415/96/RD)

EXT.P2 TRUE COPY OF THE REPRESENTATION SUBMITTED BY THE PETITIONERS TO THE FIRST RESPONDENT WITH COPIES TO THE 2ND AND 3RD RESPONDENTS DATED NIL

EXT.P3 TRUE COPY OF JUDGMENT RENDERED IN O.P.NO.5581/1997 OF THIS COURT DATED 22.8.1997

EXT.P4 TRUE COPY OF THE INTERIM ORDER IN C.M.P.NO.16650/99 IN O.P.NO.10145/99 DATED 13.4.1999.

/ TRUE COPY /

K.S.RADHAKRISHNAN, Ag.C.J. &
M.N.KRISHNAN, J.

O.P.No.13918 of 1999

Dated, this the 23rd day of March, 2007

JUDGMENT

Radhakrishnan, Ag.C.J.

This writ petition has been preferred seeking a writ of mandamus directing the first respondent to consider Ext.P2 on merits and pass appropriate orders after affording the petitioners an opportunity of being heard. Petitioners also sought for a writ of mandamus directing the respondents to protect their pay and allowances to avert any reduction in emoluments on account of wage revision. The interim order granted by this Court on 9.6.1999 is still in force.

In the circumstances, we are inclined to dispose of the writ petition directing the first respondent to take note of Ext.P2 representation and pass appropriate orders in accordance with law after hearing the petitioners. We make it clear that we have not expressed any final opinion regarding the rights of the petitioners to get protected their pay and allowances. That is

also a matter to be considered by the first respondent in accordance with law.

K.S.RADHAKRISHNAN,
Ag.CHIEF JUSTICE.

M.N.KRISHNAN,
JUDGE.

vns